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August 27, 2008

Via ECF

Hon. Ronald L. Ellis
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1970
New York, New York 10007

Re: National Association for Stock Car Auto Racing, Inc. v. St. Paul Surplus Lines
Docket No. : 08 CV 5057
Our File No. : 1450.1017

Honorable Magistrate Ellis:

This office represents Plaintiffs in the above-referenced matter.

This matter has been resolved. **Enclosed**, please find a copy of a fully executed stipulation of discontinuance.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact the undersigned.

Respectfully,

FRENCH & RAFTER, LLP


John M. Krug

JMK

cc: **Via facsimile 716.853.0265**
Kenney Shelton Liptak Nowak LLP
14 Lafayette Square
Rand Building Suite 510
Buffalo, New York 14203

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NATIONAL ASSOCIATION for STOCK CAR
AUTO RACING, INC. and NASCA

v.

Civil Action No. 1:07-CV-01002

ST. PAUL SURPLUS LINES INSURANCE
COMPANY, THE ST. PAUL TRAVELERS
COMPANY, INC. and THE TRAVELERS
COMPANIES, INC.

STIPULATION AND ORDER OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all parties to this actions, that, pursuant to Rule 41 of the Federal Rules of Civil Procedure, this action is hereby discontinued with prejudice and without costs to any party. This stipulation may be filed without further notice with the Clerk of the Court.

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Attorneys for Defendants

SO ORDERED:

August __, 2008

Magistrate Ronald L. Ellis